

14TH PLENARY MEETING OF THE BPR SUBGROUP OF THE
FORUM FOR EXCHANGE OF INFORMATION ON ENFORCEMENT

BPRS-14 MINUTES

16-17 NOVEMBER 2021

REMOTE MEETING

CONTENTS

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Glossary of acronyms and abbreviations

| | |
|----------|--|
| AOB | Any Other Business |
| ASO | Accredited Stakeholder Organisation |
| BEF-1 | First Biocides Enforcement Project |
| BPRS | BPR Subgroup of the Forum which coordinates the BPR enforcement |
| BPC | ECHA Biocidal Product Committee |
| CLP | Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures |
| COM | European Commission |
| DG | Directorate General at the Commission |
| DG SANTE | Directorate General on Health and Food Safety/European Commission |
| DG GROW | Directorate General for Internal Market, Industry, Entrepreneurship and SMEs |
| EU | European Union |
| FORUM | The Forum for Exchange of Information on Enforcement: Network of authorities responsible for the enforcement of the REACH, CLP, PIC and BPR regulations in the EU, Norway, Iceland and Liechtenstein |
| HET | ECHA Harmonised Enforcement Team (former ECHA Forum Secretariat) |
| ICSMS | Internet-supported information and communication system for the pan-European market surveillance |
| MAWP | Multiannual Work Programme |
| MFF | ECHA Multi annual financial framework |
| MOC | Manual of Conclusions |
| MS | Member State |
| MSR | Market surveillance Regulation |
| NC | National Coordinator of the Enforcement Project |
| NEA | National Enforcement Authority |
| RAPEX | Rapid Alert System |
| REACH | Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals |
| REF | REACH-EN-FORCE, Harmonised Enforcement Project of the Forum |
| ROPs | Rules of Procedure |
| SPC | Summary of Product Characteristics |
| TA | Treated Articles |
| TF | Task Force of the Forum/BPRS |
| TfT | WG of the Forum/BPRS on Training for Trainers for national inspectors |
| WG | Working Group of the Forum/BPRS |
| WIN PPIE | ECHA Work Instruction - Processing Practical Issues for Enforcement |

I. Summary record of the proceedings

Item 1 - Welcome and introduction

The Vice-Chair of the BPRS opened the plenary meeting which, for the fifth time, was held remotely.

The Vice-Chair informed the plenary that the meeting was recorded for the purpose of writing the minutes, and that the recordings are going to be destroyed after the minutes are adopted. The final agenda was adopted (see Annex I), and no AOB was included.

No conflicts of interest (according to Article 9(2) of the Forum Rules of Procedure - ROPs) were declared at the meeting.

The ECHA Harmonised Enforcement Team (HET) informed the members that five room documents were submitted after the documents deadline, namely on: i) implication of UK withdrawal; ii) REF-8 progress report; iii) REF-8 adopted report; iv) Practical Issue BPRS-14.1; and v) BEF-2 Progress report. All action points from the BPRS-13 were discharged.

Item 2 – Cooperation with ECHA bodies / Secretariat Update on Forum Work Programme 2021

2.1 Cooperation with Biocidal Product Committee (BPC) and progress on the approval for the active substance diamine

The BPC Chair provided an update on the approval process for the active substance diamine for product type 8 (wood preservatives).

Based on *ad hoc* consultation that the BPC launched in February 2021, the BPRS members reported the difficulties in assessing a safe number of cycles per operator per day to be performed in vacuum pressure impregnation processes. The BPRS indicated that the default number of three cycles (reported in the exposure assessment) should not be reduced to avoid stretching the operators' risk acceptability. Label requirement would not be an appropriate RMM for this specific wood preservative, since its enforceability is rather questionable.

At the Standing Committee meeting in September 2021, it emerged that a majority would be reached for a non-approval decision of the active substance diamine for product type 8, which will be indeed presented at the next meeting of the Standing Committee.

The BPC Chair was invited to consult the BPRS members on future opinions which would benefit an enforcement prospective.

2.2 Debriefing from ECHA Directors and Forum/BPRS Chairs

The Vice-Chair informed the BPRS members on the discussions that took place during the remote meeting with the ECHA Directors held on 8 November 2021. Among the topics tackled during the meeting, the Chair shared with the BPRS members an update on the ECHA planning in view of the future Chemical Strategy for Sustainability (CSS) and the potential involvement of Forum and BPRS. Future developments on the topic will be tabled at the next BPRS plenary meeting.

2.3 Implications of UK withdrawal

A member of the HET presented to the plenary a high-level overview of potential implications of UK withdrawal for BPR inspectors. Specifically, the speaker touched upon the validity of biocidal product authorisations; the duties of active substances suppliers

linked with the Article 95 list; the import of treated articles; and the implication concerning the CLP Regulation for biocidal products.

2.4 Debriefing from 2021 Open Session with ASOs

The Vice-Chair debriefed the plenary on the Forum-BPRS Open Session with ECHA Accredited Stakeholders held on 10 November 2021, especially on the presentation (and related discussion) delivered by the European Ozone trade Association (EuOTA) on the enforcement of in situ generating systems.

The Vice-Chair also informed the BPRS members that the ASOs feedbacks on the Open Session will be published on ECHA website in due time.

2.5 Update from Forum-39

The Forum Chair debriefed the BPRS members on the key issues tackled during the last plenary of the Forum (i.e. Forum-39).

The Forum members agreed to start a pilot project covering the placing on the market and the use of the substance Dichloromethane (DCM) in paint strippers and the placing on the market and use of the substance N-Methyl-Pyrrolidone (NMP). The Forum also initiated four new Working Groups, namely on: SDS (i.e. REF-11), pilot project on classification of mixtures focusing on detergents and cleaning products, train the trainers 2022, and MS reporting.

During the plenary the following documents were adopted: REF-8 project report; list of suggestion for REACH review; conclusion of the Practical issue 31.2 on the creosote restriction (which includes interplay between REACH Annex XVII and the BPR).

The Forum Chair debriefed the BPRS members on the work performed so far by the Commission concerning the Chemicals Strategy for Sustainability (CSS), in particular on the preparations to the high-level round table meeting and the Working Group on enforcement. Finally, the speaker also mentioned that the final version of the Programming Document 2022-2025 (describing the planned activities of the Forum/BPRS for 2022) was put forward for adoption by the Management Board in December 2021.

2.5.1 REF-8 BPR results - discussion & recommendations

A member of the REF-8 Working Group (WG) debriefed the plenary on the project report adopted at the Forum-39 meeting, focusing on the results concerning BPR.

Specifically, 77% of inspected biocidal products were found to be non-compliant with at least one requirement under the BPR. The highest rate of non-compliance was for repellents and attractants (79%). Most identified non-compliances were for products sold to the general public.

17% of inspected products breached the BPR because they had misleading statements in the advertisements such as "low-risk biocidal product", "non-toxic", "harmless", "natural", "environmentally friendly" or "animal friendly".

Following the inspections, NEAs initiated many enforcement measures. In most cases, written advice was issued, asking companies to remove the product offer from their websites or bring their advertisements into compliance. The rate of non-compliance was higher for marketplaces than for web shops.

The speaker highlighted to the BPRS members the main recommendations included by the WG in the project report, urged all actors to proactively improve consumer protection for online sales. There is a clear need to continue supporting NEAs and stakeholders in their efforts to ensure compliance among all companies throughout the supply chain focusing

future online investigations on active substances / products types that showed high levels of non-compliance within the REF-8.

The WG project will be available on the ECHA website in December 2021, and the WG will draft a guide for inspectors by March 2022. An *ad hoc* workshop with the interested ASOs will be delivered during the first quarter of 2022.

The BPRS members were invited to bring national experience from control of online sales of biocides at the next plenary meeting to continue the discussion.

Item 3 - Updates on developments by the European Commission

3.1 Update from DG SANTE

The DG SANTE representative delivered an update of the Commission's activities that were relevant for the work of the BPRS.

The presentation started with an update on the actions related to the COVID-19 pandemic and its impact on the marketing of biocides in EU. Specifically, the Member States continued granting Article 55(1) derogations for disinfectants product type 1, 2, and 4.

The speaker highlighted to the plenary the main findings of the Report on the implementation of the BPR, which is available on the Commission website¹. The substantial delays in the Review Programme have a direct consequence on the EU market, since the majority of the biocidal products currently on the market are made available under national transitional rules and are not assessed in line with criteria set out in the BPR. The completion of the Review Programme is crucial for the achievement of the BPR objectives, and the regulatory system set out in the legislation cannot function properly unless the MSs take measures to ensure that their authorities have necessary resources and qualified staff to fulfil their obligations.

The speaker updated the BPRS also on the discussion that took place at CA level on the concept of 'same biocidal product' (in line with the Regulation (EU) 414/2013). Specifically, it was clarified that products for which authorisations are granted as same biocidal product authorisations can be subjected to mutual recognition and renewal procedures.

Other updates from the DG SANTE were related to the amendment of Review Programme Regulation, and the early review of some active substance approvals.

3.2 Update from DG JUST on CASP Corona 2020 project

A representative of DG JUST provided a presentation to the plenary on the results of the 'Coordinated Activities on the Safety of Products' (CASP) 2020 project, which focused on the Covid-19 pandemic and the marketing of facemasks, gloves and disinfectants.

Specifically, a total of 31 national, regional and local market surveillance authorities from 22 EU/EEA countries joined the project to test 139 products. These varied among personal protective equipment (PPE) (face masks and gloves), hand cleaners and biocides disinfectants. The final report of the project is available on the Commission website².

Regarding biocidal products currently on the market, the speaker highlighted that the main safety risks were related to insufficient or misleading labelling and information provided to

¹ The first Commission report on the implementation of the BPR published at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1623326515401&uri=CELEX%3A52021DC0287>

² <https://ec.europa.eu/safety-gate/#/screen/pages/casp2020Corona>

consumers, suggesting sanitising or anti-bacterial performance without declaring product contents or concentrations. In particular, alcohol content in disinfectants was found often lower than the efficiency range set between 70-85 % v/v alcohol. Consumer advices were then issued, as avoiding hand cleaners and disinfectants that were also intended for skincare, and that do not present clear instructions for safe use, warnings and/or proper pictograms.

Finally, the speaker informed the BPRS members about the shortlisted topics for the future CASP 2022 project, whose final decision was pending. Namely the shortlist includes: toys with magnets; chemicals in toys; baby strollers; travel adaptors; ozone air purifiers and sterilizers; and hygiene products. Horizontal activities related to communications and risk assessment could be also considered.

3.3 Presentation of European Anti-Fraud Office's activities (OLAF)

A representative of DG JUST delivered a presentation on OLAF's mandate and mission, their investigative tools, and on-going activities. The following practical examples of investigations that were relevant for the BPRS were touched upon: gel sanitizer contaminated with methanol; air freshener contaminated with methanol; pesticides. The BPRS members were invited to provide to the HET any feedback on national experience on working with OLAF. Follow-up discussion to take place at the BPRS-15 to evaluate potential enforcement projects in cooperation with OLAF.

Item 4 – BPRS enforcement activities

BEF-2

The WG Chair updated the plenary on the BEF-2 on-going activities. The project will be generally covering biocidal products with approved/non-approved active substances, and it will foresee different questionnaires for inspections to be characterised by optional modules on Article 95, labelling and packaging, advertisement, and chemical analysis.

The BEF-2 preparatory phase is approaching its end, and the MSs which will be participating to the operational phase in 2022 will be 26 plus Norway, Iceland, Liechtenstein and Switzerland. The enforcement inspections in MSs will be indeed kicked off in January 2022. The speaker informed the plenary that the BEF-2 manual and questionnaires were going to be adopted via written procedure on 18 November. Four questionnaires reflect the modules endorsed in the manual, namely:

- 1) Biocidal products under Article 17 of the BPR with authorisation numbers – ECHA's dissemination website;
- 2) Biocidal products under transitional measures according to Article 89 of the BPR with authorisation or /registration numbers (national database);
- 3) Hand and surface disinfectants - product types 1, 2 and 4 (both authorised under the BPR and national regime, plus specific national/European derogations);
- 4) Other biocidal products – products without authorisation numbers under the BPR or national transitional authorisation or /registration numbers.

The translation of the BEF-2 manual and questionnaires will be implemented upon the adoption of the document, and the NCs of the BEF-2 will be involved in a cross-check exercise.

The HET together with the WG members elaborated and tested the EU Survey for the four questionnaires of the BEF-2. The HET will launch a testing session of the EU survey among

the NCs in the coming weeks. Feedbacks received will be useful to fine tune the EU Survey questionnaires.

One member of the HET presented to the BPRS the foreseen processes for the use of the EU Survey as tool that will be substituting iPDF when collecting and reporting the findings of the inspections in BPRS / Forum projects. The BPRS comments were taken into account and the HET developed three options for the EU Survey implementation for MSs. The HET will deliver an *ad hoc* remote training for NCs on 30 November. A 'handbook for NCs' will be soon shared among the NCs, including a section on EU Survey working method.

Finally, the WG Chair together with the 'BPRS Training 2021' Chair debriefed the plenary on the organisation of the next BPRS training. The event will be delivered remotely on 26 November 2021 and it will serve as BPRS Training for Trainers (TfT) for the year 2021 (focusing on the BEF-2), and as National Coordinators training. The event will be structured on the use of the manual and questionnaires of the BEF-2, providing also case studies for future inspections of biocidal products. The ECHA Biocides Assessment Unit will contribute to the BEF-2 Training event covering the section on the ECHA dissemination website for biocidal products, the use of R4BP3, and other aspects related to authorised products under the BPR. As follow-up of the training event, the HET will share with the participants the case studies with the correct reasonings, which will help the National Enforcement Authorities in organising national trainings in their countries.

Item 5 – Practical issues for enforcement

One BPRS member presented a new practical issue submitted to the plenary concerning in situ generating systems and its obligations under the BPR.

The BPRS members decided to put on hold the discussion on the practical issue waiting for the line-to-take agreed at CA level. The BPRS members were also invited to submit to the HET any national experience with enforcement of in situ generating devices under the Article 93 transitional regime. These inputs would be useful to continue the analysis on in situ devices and related authorisations at the BPRS-15.

Item 6 - Activities in Member States and cooperation with other networks

6.1 Update from ADCO Chairs meeting and European Product Compliance network

The Vice-Chair informed the plenary that three relevant meetings were held since the BPRS-13, namely: the EU Product Compliance Network (EU PCN) meeting n.6 and n.7; and the ADCO Chairs meeting (Administrative Coordination Groups). The topics tackled at those meetings touched upon:

- i) the Market Surveillance Indicators (as established by the new Market Surveillance Regulation entered into force on 16 July 2021) - EU PCN will collect data also with reference to the obligations under the BPR;
- ii) Commission proposal for a new Regulation on General Product Safety - replacing the General Product Safety Directive (among its goals, online sales seems to play an important role);
- iii) ADCO Annual Report Template - EU PCN will collect annual reports of the ADCOs (note that the BPRS is also one of the ADCOs). It is expected that the required data for the new reporting will be collected from data of existing reporting obligations under the BPR.

6.2 Germany case analysis – changes in national legislation for biocidal products under transitional measures

The German BPRS member gave to the plenary an overview of their national ordinance for biocides which focuses on the new "regulation on the notification and supply of biocidal products as well as for the implementation of the BPR". The national ordinance aims at adapting the previous regulations to the current legal situation in Germany.

The speaker highlighted that notifications are needed for all biocidal products available on the German market under the transitional measures stemming from Article 89(2) of the BPR. Recently, the procedure was further updated, and notifications are also needed for the applications for authorisations that were already submitted before the entry into force of the ordinance. Notifications generally include information on trade names, names and addresses of notifiers/manufacturers, product types, active substances, information on Article 95, and confirmation of effectiveness of the concerned products. Notifications need to be updated and confirmed every two years to the NEAs. Electronically Assigned Notification-numbers are therefore a mandatory part of biocidal product labels (this applies also for online sales).

The speaker also explained to the BPRS members the reporting obligation in place in Germany for all the companies making available biocidal products on the market (either notified or authorised products). The exact nature and volume of the concerned products, the specification of the active substances involved, and the aims of the products present in the German market provide the DE NEA with a better overview of the biocidal market.

The BPRS members were invited to provide to the HET and German BPRS member any feedback on their national experience on product notifications and reporting obligations for companies. Follow-up discussion to take place at the BPRS-15 if needed.

Item 7 – AOBs

7.1 Future BPRS plenaries dates

The tentative dates for the next remote BPRS meetings in 2022 are the following: i) BPRS-15: 22-24 March 2022; ii) BPRS-16: 21-23 June 2022 (if physical than 13-17 June 2022); iii) BPRS-17: 14-18 November 2022 (if physical than 7-11 November 2022).

II. Conclusions & action points adopted at the BPRS-14 (public)

| Agenda point | Conclusions / decisions / minority opinions | Action requested after the meeting |
|---|---|---|
| Item 1- Welcome and introduction | | |
| 1.2 Adoption of the Agenda | Agenda was adopted | |
| 1.3 Action points and written procedures from BPRS-13 | | |
| Item 2 - Cooperation with ECHA bodies / Secretariat | | |
| 2.1 Cooperation with Biocidal Product Committee and progress on the approval for the a.s. diamine | | |
| 2.2 Debriefing from ECHA Directors and Forum/BPRS Chairs | | |
| 2.3 Implications of UK withdrawal | | <p>BPRS members are invited to submit written feedback about the discussion points raised in the paper (including requests for data from ECHA) by 10 December</p> <p>HET will share the feedback received with the members by 14 January</p> <p>HET will plan a follow-up discussion at BPRS-15</p> |
| 2.4 Debriefing from 2021 Open Session with ASOs | | If EuOTA submits the list of non-compliant devices HET will analyse it and to share it with BPRS for discussion at the next plenary meeting |
| 2.5 Update from Forum-39 (10') 2.5.1 REF-8 BPR results (30') - discussion & recommendations | | BPRS members are invited to bring national experience from control of online sales of biocides by 17 December. |
| Item 3 - Updates on developments by Commission | | |
| 3.1 Update from DG SANTE on BPR provisions | | DG SANTE is invited to consider if needed to update on CSS impact on BPR at one |

| Agenda point | Conclusions / decisions / minority opinions | Action requested after the meeting |
|--|---|--|
| | | of the BPRS plenaries in 2022 |
| 3.2 Update from DG JUST on CASP Corona 2020 project | | |
| 3.3 Presentation of European Anti-Fraud Office's activities (OLAF) | | BPRS members are invited to provide feedback on any experience on the cooperation with OLAF (or on potential cases for future cooperation with OLAF) by 21 January 2022 |
| Item 4 – BPRS enforcement activities | | |
| 4.1 BEF-2 | | |
| 4.1.1 Progress Report | | <p>BPRS members are invited to request the BEF-2 national coordinators to check quality of BEF-2 translations in their national languages when they are received;</p> <p>BPRS members are invited to request the BEF-2 national coordinators to test the EU survey with the BEF-2 questionnaires</p> |
| 4.1.2 Training 2021 for National Coordinators/national inspectors | | <p>BPRS members are invited to remind the participants of the training to respond to short questionnaire regarding preparation for BEF-2 by 19 November</p> <p>BPRS members are invited to attend the training for trainers event on 26 November</p> |
| 4.1.3 Mandate closure | Mandate of the WG was closed | |
| 4.1.3 Update on the use of the EU Survey | | <p>HET will deliver a remote training for NCs on the use of EU survey on 30 November.</p> <p>HET will share the training materials with all the national coordinators of BEF-2.</p> |
| Item 5 – Practical issues for enforcement | | |

| Agenda point | Conclusions / decisions / minority opinions | Action requested after the meeting |
|---|---|--|
| 5.1 Items raised by the BPRS/ECHA/COM (list of practical issues is prepared independently from the agenda) | | <p>HET will channel comments received from the BPRS to the COM so they can consider them in further discussion at the CA meeting</p> <p>BPRS members are invited to liaise with their CAs to provide enforcement input for the discussion of the BPR CAs.</p> <p>DE BPRS member is invited to inform the BPRS on the outcome of the discussion in the BPR CAs and to re-submit the practical issue if there are open enforcement-related questions after the conclusion of the CAs.</p> <p>BPRS members are invited to submit experience with enforcement of in situ generating devices under the Art 93 transitional regime by 15 January</p> <p>Chairs and HET will examine the feedback and prepare a discussion at BPRS-15</p> |
| Item 6 - Activities in Member States and cooperation with other networks | | |
| 6.1 Update from ADCO Chairs meeting and the EU Product Compliance network (EUPCN) | | |
| 6.2 Germany case analysis – changes in national legislation for biocidal products under transitional measures | | <p>HET will send a template for comments to BPRS members by 26 November</p> <p>BPRS members are invited to send written feedback on the presentation to the DE BPRS member by 21 January 2022.</p> <p>HET to schedule a follow-up discussion at the BPRS-15</p> |
| Item 7 AOBs | | |

| Agenda point | Conclusions / decisions / minority opinions | Action requested after the meeting |
|---|---|---|
| 7.1 Dates of next BPRS plenary meetings | BPRS-15: 22-23-24 March 2022 BPRS-16: 21-23 June 2022, if physical than 13-17 June 2022 BPRS-17: 14 – 18 November 2022, if physical then 7-11 November 2022 | |
| Item 8 – Adoption of conclusions and action points | | |

III. List of attendees of the BPRS-14

BPRS members

| | Country | Name |
|----|---------|------------------------------|
| 1 | BE | DE VOS Helmut |
| 2 | BG | HRISTOVA Viktoriya |
| 3 | CH | BUERGY Heribert |
| 4 | CY | ELIA Nikos |
| 5 | CZ | JAROLIM Oldrich |
| 6 | DE | SCHROETER Meike |
| 7 | DK | HANSEN Lise Bach |
| 8 | EE | HONGA Aljona |
| 9 | EL | GKILPATHI Dimitra |
| 10 | ES | TEBAR LUJAN Jorge |
| 11 | FI | MÄKI Markus |
| 12 | FR | GRAS Olivier |
| 13 | HR | PILETIC Kaca |
| 14 | HU | NEMET Balazs |
| 15 | IE | CANTY Mary |
| 16 | IS | INGVARSDOTTIR Hafdis Inga |
| 17 | IT | LONGO Antonina |
| 18 | LI | RELLA-QUADERER Maria-Rosaria |
| 19 | LT | HAKAITE Palmira |
| 20 | LU | HERMES Joe |
| 21 | LV | DAUGELE Santa |
| 22 | MT | FARRUGIA Bernice |
| 23 | NL | BRAAM Marianne |
| 24 | NO | SKARGARD Cathrine |
| 25 | PL | WASIK Romualda |
| 26 | PT | DIAS Marina |
| 27 | RO | CIRLAN Cristiana |
| 28 | SE | KARLSSON Jenny |
| 29 | SI | HAJRLAHOVIC-MEHIC Semira |
| 30 | SK | POCAROVSKA Miriam |

Forum members

| | Country | Name |
|---|---------|----------------|
| 1 | DE | VOM HOFE Katja |

Advisers

| | Country | Name |
|---|---------|----------------|
| 1 | CH | GRISEL Nadine |
| 2 | CH | MUEHLE Deborah |

| | Country | Name |
|----|---------|-----------------------|
| 3 | DE | WURSHORN Sibylle |
| 4 | DE | FRENZEL Stefan |
| 5 | DK | MADSEN Betina |
| 6 | DK | JENSEN Nicholai |
| 7 | EL | PAPATHANASIS Thanasis |
| 8 | ES | ESCALADA Jesus |
| 9 | FI | OLLIKKA Jussi |
| 10 | FR | TCHANAKIAN Fiona |
| 11 | HR | VULJANIC Kristina |
| 12 | IE | MURPHY Brian |
| 13 | LV | KAZEROVSKA Kristine |
| 14 | NL | DE Boer Jabik |
| 15 | PL | STULCZEWSKI David |
| 16 | SE | STIGWALL Johanna |

European Commission representatives

| | Country | Name |
|---|----------|-------------------------|
| 1 | DG SANTE | NEGULICI Ligia |
| 2 | DG GROW | BERENDS Andre |
| 3 | OLAF | SORENSEN Ivan |
| 4 | OLAF | CASTILLO GONZALES Marta |

ECHA staff

| | ECHA | Unit |
|---|----------------------|--|
| 1 | ANNYS Erwin | Head of Unit Support and Enforcement |
| 2 | BARANSKI Maciej | Support and Enforcement |
| 4 | LEHTO Anastasia | Support and Enforcement |
| 5 | MATEUS Tania | Support and Enforcement |
| 6 | NIKULA Terhi | Support and Enforcement |
| 7 | TECCE Nicola | Support and Enforcement |
| 9 | VAN DE PLASSCHE Erik | Chair of ECHA Biocidal Products Committee |

IV. List of Annexes

Annex 1. Adopted agenda of BPRS-14

Annex 2. List of Forum / BPRS WG mandates

2 a. Forum/BPRS REF-8

2 b. BPRS WG BEF-2

Annex 1. BPRS-14 Agenda

Date and time: 16 and 17 November 10:30-13:00 (Helsinki time)

Item 1 – Welcome and introduction *10:30-10:40*

- 1.1 Opening by the BPRS Vice-Chairs
- 1.2 Adoption of the agenda and declarations of conflict of interest
- 1.3 Action points and written procedures from BPRS-13

For information/adoption

Item 2 – Cooperation with ECHA bodies / Secretariat *10:40-12:35*

- 2.1 Cooperation with Biocidal Product Committee (BPC) and progress on the approval for the a.s. diamine (10')
- 2.2 Debriefing from ECHA Directors and Forum/BPRS Chairs (10')
- 2.3 Implications of UK withdrawal (25')
- 2.4 Debriefing from 2021 Open Session with ASOs (15')
- 2.5 Update from Forum-39 (10')
 - 2.5.1 REF-8 BPR results (30') - discussion & recommendations

For information/discussion

Item 3 – Updates on developments by Commission *12:35-13:00*

- 3.1 Update from DG SANTE on BPR provisions (25')

For information/discussion
End of day one at 13:00

Start of day two at 10:30

Item 3 – Updates on developments by Commission *10:30-11:30*

- 3.2 Update from DG JUST on CASP Corona 2020 project (30')
- 3.3 Presentation of European Anti-Fraud Office's activities (OLAF) (30')

For information/discussion

Item 4 – BPRS enforcement activities *11:45-12:15*

- 4.1 BEF-2 (30')
 - 4.1.1 Progress Report
 - 4.1.2 Training 2021 for National Coordinators/national inspectors
 - 4.1.3 Update on the use of the EU Survey
 - 4.1.4 Mandate amendment

For information/adoption

Item 5 – Practical issues for enforcement

12:15-12:30

5.1 Items raised by the BPRS/ECHA/COM (list of practical issues is prepared independently from the agenda)

For discussion/adoption

Item 6 – Activities in Member States and cooperation with other networks

12:30-12:55

6.1 Update from ADCO Chairs meeting and the EU Product Compliance network (EUPCN) (5') – *BPRS Vice-Chairs*

6.2 Germany case analysis – changes in national legislation for biocidal products under transitional measures (20') – *DE BPRS member*

For information/discussion

Item 7 – AOBs

12:55-13:00

7.1 Dates of next BPRS plenary meetings

7.2 Placeholder

Item 8 – Conclusions and action points

13:00

End of BPRS-14

Annex 2. List of Forum/BPRS WG mandates

2a. REF-8 (mandate adopted at Forum-39/BPRS-14)

Chair: Karin RUMAR (SE)

Forum Members and Alternates

- Eugen ANWANDER (AT)
- Martin MARKO (CZ)
- Maria PALEOMILITOU (CY)

Invited Experts

- Kevin BUCKLEY (IE)
- Timea TARNOCZAI (HU)
- Jurgita BALCIUNIENE (LT)
- Ingrida STULGIENE (LT)

BPRS Members and Experts

- Cathrine SKJÆRGÅRD (NO) (BPRS member)
- Jenny KARLSSON (SE) (BPRS alternate)
- Brian MURPHY (IE) (BPRS alternate)
- Jabik DE BOER (NL) (BPRS alternate)
- Anne HORN (DE) (BPRS expert)

ECHA Tania MATEUS

Objective: Conceive and manage the eighth major Forum enforcement project REF-8 'Enforcement of CLP, REACH and BPR duties related to substances, mixtures and articles sold on-line'.

Mandate:

1. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project, taking into account the learnings from previous Forum projects "control of internet sales" and "REF-4" and others at EU level;
2. Define the specific duties to be covered in the project;
3. Prepare and deliver the training for project national coordinators
4. Management of the Operational phase
5. Management the Reporting phase: Follow-up operational phase, collect the results and draft project evaluation
6. Elaborate tips and hints for inspectors based on the relevant outcomes from the project
7. Prepare and organize a short WebEx workshop for ECHA ASOs to present the results and recommendations from this project

Timeline

- Project manual: Q4 2019
- Prepare and deliver the training for project national coordinators: Q4 2019
- Operational phase: 2020
- Reporting phase (National Coordinators): Q1 2021
- Draft report: Q4 2021
- Adoption of the report: Q4 2021
- Tips and hints for inspectors: Q2 2022
- Workshop with ASOs: Q2 2022

2b. BEF-2 (mandate adopted at BPRS-14)

Chair: Jenny KARLSSON (SE)

BPRS Members/Alternates

Heribert BUERGY (CH)
Cathrine SKJAERGARD (NO)
Eugen ANWANDER (AT)
Helmut DE VOS (BE) – *Chair of the Training 2021*
Antonina LONGO (IT)

Invited Experts

Nadine GRISEL (CH)
Catherine BERTSCHY (CH)
Tobias SCHLEICHER (DE)
Mariana DE VRIES (NL)
Silvia NOBILE (IT)
Robert LJUNGGREN (SE)
Raffaella PERRONE (IT)

ECHA: Nicola TECCE; Anastasia LEHTO

Objective: Conceive and manage the second BPRS enforcement project on biocidal products containing non-approved/approved active substances

Mandate:

1. Defining the detailed scope of the BEF-2 in agreement with the BPRS members
2. Develop the project manual (guidance document, checklist, planning, recommendations) for the execution of the project
3. Prepare and deliver the BPRS Training 2021 for national inspectors and national coordinators focused on the BEF-2
4. Management of the operational phase
5. Management the reporting phase: follow-up operational phase, collect the results and draft project evaluation
6. Elaborate a Practical guide for inspectors based on the relevant outcomes from the project
7. Design and deliver an *ad hoc* workshop focused on the best practises and problems encountered by inspectors during the operational phase, if appropriate
8. Prepare and organize a workshop for ECHA ASOs to present the results and recommendations from the project

Timeline:

- Approval of BEF-2 scope: Q1 2021
- Project manual: Q4 2021
- BPRS training 2021: Q4 2021
- Operational phase: 2022
- BEF-2 workshop: Q2 2022
- Reporting phase: 2023
- Workshop with ASOs: Q2 2024